

REMARKS

Entry of this amendment is respectfully requested.

Claims 57 and 60 have been rewritten in independent form. New claims 61-112 each depend from one of these claims.

The restriction requirement is noted, and traversed. It is respectfully submitted that despite the Examiner's contention that the claims of Group I have been constructively elected since they were previously examined, the additional examination of the Group II claims, i.e. to a method of sealing a building material (claim 57) and to a method of claim 60, which uses the dispersion of claim 26 which is now incorporated would not be an undue burden for the Examiner. These claims have been amended.

Claims 38 and 47-49 were rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. It is believed that the amendments to those claims overcome the rejection. It is also believed that the amendments overcome the objection to those claims set forth in item 5 of the Office Action.

Claims 26-36, 38-45 and 47-56 were rejected under 35 U.S.C. §102(b) for allegedly being anticipated by Ingrisch. Claims 26-36, 38-45 and 47-56 were rejected under 35 U.S.C. §103(b) for allegedly being unpatentable over Ingrisch. Applicants respectfully traverse each of these rejections.

Applicants reiterate that a difference between the present claimed invention and Ingrisch is the amount of component A used for the polyurethane resins. Ingrisch discloses the use of 3 to 12 weight percent of component A based on the total weight of the components A-I and water (Ingrisch, column 5, lines 19-21), whereas according to the invention a \geq 13 or a \geq 14 weight percent of component A is present in the dispersion.

According to the invention the weight percent values are based on the total amount of components A-G and water (cf. page 14, last paragraph).

The term "consisting of" in the claims excludes any other components, so the present invention is not anticipated by Ingrisch.

With regard to the §103 rejection, the presently claimed composition has, among other things improved properties (See page 19, lines 5-12), especially chemical resistance (See page 19, line 11 and page 29, first paragraph after the Tables). Thus, this rejection should be withdrawn.

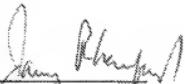
Claim 50 is directed to a one-component paint, varnish or coating comprising the polyurethane composition according to the invention consisting of components A-G. Such a paint or coating neither is disclosed nor rendered obvious in document Ingrisch.

In view of the foregoing, allowance is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0624, under Order No. NY-HUBR-1291-US.

Respectfully submitted

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